

ANTHONY J. ROMAGNOLI, et al. and : CIVIL ACTION  
 GEORGE BACSKAI, et al. : NOS. 03-CV-05931 and 03-CV-06869  
 :  
 Plaintiffs, :  
 :  
 vs. : DEFENDANTS' TRIAL MEMORANDUM  
 :  
 BELL & HOWELL COMPANY, et al. :  
 :  
 Defendants. :

- a) The list of all exhibits to be used at trial is attached as Exhibit 1.
- b) The names, addresses and fields of expertise of the defendants' expert

**Jerome Staller, Ph.D.**  
**Brian Sullivan, Ph.D.**  
**The Center for Forensic Economic Studies**  
**1608 Walnut Street, 8<sup>th</sup> Floor**  
**Philadelphia, PA 19103-5407**  
**Expert on statistics and damages**

c) The expert witnesses' curriculum vitas are attached as Exhibit 2.

d) The names and addresses of the fact witnesses, along with a brief

statement of the nature of their expected testimony are:

David A. Schell  
665 North Irving Street  
Allentown, PA 18109

Negotiations, strike,  
circumstances of any  
retirement and strike  
settlement.

Patrick O'Callaghan  
2785 Holstead Lane  
York, PA 17404

Negotiations, strike, Company  
response to strike,  
circumstances of any  
retirements and strike  
settlement.

Edmund R. Sovia, Jr.  
3126 Shetfield Drive  
Emmaus, PA 18049

Negotiations, strike, Company  
response to strike,  
circumstances of any  
retirements and strike  
settlement.

William L. Buss  
1530 Stones Crossing  
Easton, PA 18045

Negotiations, strike, Company  
response to strike,  
circumstances of any  
retirements and strike  
settlement.

Stephen E. Foy  
2220 Black Walnut Court  
Raleigh, NC 27606

Negotiations, strike, Company  
response to strike,  
circumstances of any  
retirements and strike  
settlement, current status of  
Allentown operations.

Barbara Reed  
2480 Black Forest Drive  
Coplay, PA 18037

Negotiations, strike, Company  
response to strike,  
circumstances of any  
retirements and strike  
settlement.

Peter Connolly  
171 West Wing Street  
Suite 208  
Arlington Heights, IL 60004

Negotiations, strike, Company  
response to strike and  
circumstances of any  
retirement.

Jerry Purdy  
690 Island Way  
#506  
Clearwater, FL 33767

Negotiations, strike, Company  
response to strike,  
circumstances of any  
retirements and strike  
settlement.

Richard Schilling  
1925 E. Jonathan Street  
Allentown, PA 18109-1712

Strike

Penny Wanitzky  
340 Village Walk Drive  
Macungie, PA 18062

Negotiations and related  
documents

Defendants reserve the right to call plaintiffs.

e) Defendants are not seeking damages.

f) Because of the unity of their positions, plaintiffs should be limited to one lawyer giving opening and closing statements, questioning witnesses, and conducting voir dire.

g) The name and address of the defendants, which have not changed since this lawsuit was filed, are:

Böwe Bell & Howell  
(formerly known as Bell & Howell Mail and Messaging Technologies  
Company)  
795 Roble Road  
Allentown PA 18109-9111

Bell & Howell Company  
760 South Wolf Road  
Wheeling, IL 60090

h) The names, address, and telephone numbers of the defendants' trial counsel are:

Elizabeth A. Malloy  
Klett Rooney Lieber & Schorling  
12th Floor  
Two Logan Square  
Philadelphia, PA 19103-2756  
215.567.7614

Daniel G. Rosenthal  
James A. Mills

Denlinger, Rosenthal & Greenberg Co., L.P.A.  
425 Walnut Street, Ste. 2310  
Cincinnati, OH 45202  
513.621.3440

- i) Proposed voir dire questions are attached as Exhibit 3.
- j) Proposed verdict slip is attached as Exhibit 4.
- k) Defendants have filed three motions in limine.

OF COUNSEL

Daniel G. Rosenthal  
James A. Mills  
Denlinger, Rosenthal & Greenberg Co.,  
LPA  
425 Walnut Street, Suite 2310  
Cincinnati, OH 45202  
(513) 621-3440/FAX: (513) 621-4449

Respectfully submitted,

  
Elizabeth Malloy  
Klett, Rooney, Lieber & Schorling  
Two Logan Square, 12<sup>th</sup> Floor  
Philadelphia, PA 19103  
(215) 567-7614/FAX (215) 567-2737  
Attorney for Defendants

## LIST OF EXHIBITS

#	Date	Location	Description
	1997		CBA Bell & Howell and IMMCO
	1976		Supplemental Pension Agreement.
	2000/09/14	SCHELL00403	IMMCO 9/14/00 posting
	2000/09/14	SCHELL00404	IMMCO 9/14/00 posting
	2000/10/09	SCHELL00001-7	Handwritten notes of IMMCO meeting on 10/9/00
	2000/12/11	SCHELL0019-24	Handwritten notes of IMMCO meeting on 12/11/00
	2001/01/18	D000001-28	PowerPoint presentation: Managers & Supervisors Meeting
	2001/01/09	D000733	Purdy's 1/9/01 letter.
	2001/01/12	SCHELL00378-379	IMMCO minutes of internal 1/12/01 meeting
	2001/01/25	D000430-465	Company's 1/25/01 proposal with cover letter.
	2001/01/26	D000738	IMMCO's notice of termination of CBA
	2001/01/26	D000737	1/26/01 memo to IMMCO members about contract negotiations
	2001/01/30	SCHELL00294	1/30/01 internal IMMCO memo from committee to members
	2001/02/12	SCHELL00034-41	Handwritten notes of IMMCO meeting on 2/12/01
	2001/02/19	SCHELL00291	Schell 2/19/01 cover memo to IMMCO committee
	2001/02/20	SCHELL00289	IMMCO's 2/20/01 letter to Company withdrawing IMMCO's request for an enhanced retirement proposal.

#	Date	Location	Description
	2001/03/12	SCHELL00042-50	Handwritten notes of IMMCO meeting on 3/12/01
	2001/03/16	SCHELL00287	IMMCO committee 3/16/01 memo to Foy
	2001/03/28	D000741	3/28/01 letter to IMMCO of Company's intent to modify, amend or terminate labor agreement and related hourly pension plan
	2001/03/28	D000742	Company's 3/28/01 Notice of its intent to modify, amend or terminate Supplemental Pension agreement.
	2001/05/11	SCHELL00279	Schell 5/11/01 memo to committee
	2001/05/11	SCHELL00280	IMMCO negotiating committee 5/11/01 memo
	2001/05/14	SCHELL00057-61	Handwritten notes of IMMCO meeting on 5/14/01
	2001/05/17	SCHELL00274-277	Schell 5/17/01 memo to committee
	2001/05/24	D000744-45	Company's 5/24/01 notice to employees about their rights during strike.
	2001/05/24	SCHELL00271-272	Schell 5/24/01 notes
	2001/05/30	SCHELL00062-64	Handwritten notes of IMMCO meeting on 5/30/01
	2001/05/30	SCHELL00463	Typewritten notes of IMMCO meeting on 5/30/01
	2001/05/30	D000747	IMMCO's 5/30/01 memo to Company rejecting proposal.
	2001/05/30	SCHELL00474	IMMCO's motion for meeting on 5/30/01
	2001/05/30	SCHELL00266	5/30/01 internal IMMCO memo
	2001/05/31	D000841	5/31/01 POC handwritten notes of retiree meetings

#	Date	Location	Description
	2001/05/31	SCHELL00335-340	Schell's notes about the employees who attended meetings with Company on 5/31/01
	2001/05/31	D000749, D000746	5/31/01 letter to IMMCO: confirming IMMCO rejected final offer; all but 4 provisions of the contract remain in effect; enclosing notice of contract expiration
	2001/05/31	SCHELL00180	5/31/01 letter to IMMCO: notice of termination of Supplemental Pension agreement
	2001/05/31	D000636	5/31/01 Agreement to extend current CBA.
	2001/06/01	D000751	6/01/01 memo to IMMCO from Buss: guarantee that eligible employees retiring receive benefits
	2001/06/01	SCHELL00754	Schell's 6/1/01 e-mail
	2001/06/01	SCHELL00755	Schell's 6/1/01 e-mail
		SCHELL00473	IMMCO posting re: 6/3/01 meeting
		SCHELL00519	IMMCO posting re: cancellation of 6/3/01 meeting
	2001/06/04	D000752	6/4/01 memo to POC from IMMCO.
	2001/06/04	SCHELL00182	Company's 6/4/01 letter to IMMCO.
	2001/06/05	SCHELL00112	Schell's 6/5/01 handwritten notes
	2001/06/05	SCHELL00129-131	State court injunction
	2001/06/05	SCHELL00264	IMMCO 6/5/01 press release
	2001/06/06	D000754	6/6/01 press release
	2001/06/06	D000755	6/6/01 letter to Purdy about continuing operations
	2001/06/07	D000756	Response from Schell to Company's 6/6/01 letter about continuing operations.

#	Date	Location	Description
	2001/06/08	D000757	Company's 6/8/01 letter to striking employees urging them to return to work.
	2001/06/11	SCHELL00065-70	Handwritten notes of IMMCO meeting on 6/11/01
	2001/06/14	SCHELL00768	Schell 6/14/01 e-mail
	2001/06/15	SCHELL00554-555	Schell 6/15/01 memo to committee
	2001/06/16	SCHELL00779-80	Schell's 6/16/01 e-mail ("had our usual mass picketing...").
	2001/06/21	SCHELL00535-536	IMMCO 6/21/01 newsletter
	2001/06/22	SCHELL00124-128	IMMCO unemployment questionnaire
	2001/06/22	SCHELL00229	6/22/01 letter to Schell saying he'd been permanently replaced.
	2001/06/26	D000772	6/26/01 memo to IMMCO from Foy about status of negotiations
	2001/06/27	D000773	IMMCO response to Foy's 6/26/01 memo.
	2001/06/27	D000774	Transcript of Schell voice mail to Buss
	2001/06/29	D000776	6/29/01 letter to Schell: Company willing to meet.
	2001/06/29	D000777	6/29/01 letter to Schell responding to recent voicemails.
	2001/07/03	D000782	7/3/01 letter to Schell about Supplemental Pension agreement.
	2001/07/03	D000779-80	Company's 7/3/01 notice to employees about current developments enclosing a letter to Schell about permanent replacements and openings.
	2001/07/04	SCHELL00813-814	7/4/01 e-mail to Schell
	2001/07/07	SCHELL00832-833	Schell 7/7/01 e-mail



#	Date	Location	Description
	2001/07/13	SCHELL00572-573	IMMCO 7/13/01 newsletter
	2001/07/13	D002045	Company's letter to Crosson about being permanently replaced
	2001/07/17	SCHELL00596-597	IMMCO 7/17/01 press release
	2001/07/20	SCHELL00575-576	IMMCO 7/20/01 newsletter
	2001/07/24	SCHELL00587	Schell's notes of special meeting on 7/24/01
	2001/07/24	D000787	7/24/04 fax from Schell to Buss about early retirement and vacation pay
	2001/07/25	SCHELL00196	Response to Schell's 07/24/01 fax about early retirement and vacation pay.
	2001/08/07	SCHELL00614-615	IMMCO 8/7/01 newsletter
	2001/08/09	D000789-791	Company's 8/9/01 letter to IMMCO about changes to its final proposal.
	2001/08/10	SCHELL00616	IMMCO 8/10/01 newsletter
	2001/08/13	SCHELL00074-80	Handwritten notes of IMMCO meeting on 8/13/01
	2001/08/13	D000793	8/13/01 letter from Schell to Foy.
	2001/08/14	SCHELL00978-980	Schell 8/14/01 e-mail
	2001/08/14	SCHELL00984-985	Schell 8/14/01 e-mail
	2001/08/15	D000794	8/15/01 letter to Schell from Foy responding to Schell's letter.
	2001/08/15	D002199	Van Seter's 8/15/01 letter to Rush saying he had not decided to retire.
	2001/08/18	D000796	8/18/01 letter from Company to IMMCO enclosing revised proposal and summary of retiree benefit proposals.
	2001/08/20	SCHELL01001	Schell 8/20/01 e-mail

#	Date	Location	Description
	2001/08/28	SCHELL00255	8/28/01 memo from Schell to Buss re: retirements and resignations
	2001/08/29	SCHELL01031	Zagra's 8/29/01 e-mail to Schell
	2001/09/01	SCHELL01050	Schell 9/1/01 e-mail
	2001/09/04	D000801-02	9/4/01 memo to salaried employees: strike update
	2001/09/09	SCHELL01066	Schell 9/9/01 e-mail
	2001/09/10	SCHELL00081-87	Handwritten notes of IMMCO meeting on 9/10/01
	2001/09/13	D000807	9/13/01 letter to Buss from Schell asking about wages and conditions of replacements workers
	2001/09/15	SCHELL00725-728	IMMCO strike list
	2001/09/17	D000808-809	9/17/01 letter to Schell responding to his information request
	2001/09/25	D000811-12	9/25/01 letter to DeLong about modification of outstanding proposal
	2001/09/27	SCHELL00087-90	Handwritten notes of IMMCO meeting on 9/27/01
	2001/10/8	SCHELL00090-94	Handwritten notes of IMMCO meeting on 10/8/01
	2001/10/22	SCHELL01139-1140	Purdy/Schell 10/22/01 e-mails
	2001/10/22	SCHELL01144	John Zagra's 10/22/01 e-mail to Schell about pension.
	2001/10/26	D000816, D000672-709	Company's 10/26/01 implementation notice and document
	2001/10/26	D000817	10/26/01 letter to Taglioli from Mills about IMMCO buyout proposal

#	Date	Location	Description
	2001/10/29	SCHELL00687	10/29/01 memo to Buss from IMMCO regarding final offer
	2001/10/30	D000821	10/30/01 memo to IMMCO from Foy responding to 10/29/01 memo
	2001/10/28	SCHELL01155-1159	Schell's 10/28/01 e-mail/letter to IMMCO members.
	2001/10/28	SCHELL00255	Schell's 10/28/01 letter to Company listing retirements and resignations.
	2001/11/02	SCHELL01173-1174	Schell 11/2/01 e-mail
	2001/11/02	SCHELL01175	Schell 11/2/01 e-mail
	2001/11/05	SCHELL01177	11/5/01 e-mail to Schell
	2001/11/08	SCHELL01181	Schell 11/8/01 e-mail
	2001/11/20	SCHELL00703	IMMCO 11/20/01 memo to Foy accepting buyout
	2001/11/21	SCHELL00225	11/21/01 memo from Buss to Schell
	2001/12/13	SCHELL01265	Schell 12/13/01 e-mail
	2002/04/08	SCHELL01324	4/8/02 e-mail to Schell
	2002/04/08	SCHELL01325-1326	Schell's 4/8/02 e-mail
		SCHELL00730-731	List of exhibits
			<b>Minutes of Negotiation Meetings</b>
	2001/01/25	D000029	Union minutes
	2001/04/03	D000032	Company minutes
		D000050	Union minutes
	2001/04/04	D000057	Company minutes
		D000082	Union minutes

#	Date	Location	Description
	2001/04/17	D000090	Company minutes
		D000106	Union minutes
	2001/04/18	D000113	Company minutes
		D000131	Union minutes
	2001/04/25	D000136	Company minutes
		D000142	Union minutes
	2001/04/26	D000144	Company minutes
		D000169	Union minutes
	2001/05/10	D000171	Company minutes
		D000215	Union minutes
	2001/05/11	D000220	Company minutes
		D000237	Union minutes
	2001/05/15	D000240	Company minutes
		D000250	Union minutes
	2001/05/21	D000256	Company minutes
		D000292	Union minutes
	2001/05/24	D000300	Company minutes
		D000323	Union minutes
	2001/05/25	D000329	Company minutes
		D000339	Union minutes
	2001/05/29	D000343	Company minutes
		D000380	Union minutes
	2001/06/13	D000388	Company minutes

#	Date	Location	Description
		D000388	Union minutes
	2001/07/11	D000391	Company minutes
		D000404	Union minutes
	2001/08/06	D000410	Company minutes
		D000415	Union minutes
	2001/09/24	D000418	Company minutes
		D000426	Union minutes
	2001/10/05	D000428	Company minutes
			<b>Proposals</b>
	2001/01/25	D000430	Company proposal with cover letter
	2001/04/04	D000467	Pre-negotiation agreement
	2001/04/16	D000468	Revised Company proposal
	2001/04/24	D000492	Revised Company proposal
	2001/05/09	D000539	Revised Company proposal
	2001/05/10	D000570	Contract 6/1/01 to 5/31/05, Holidays
	2001/05/21	D000572	Final
	2001/05/24	D000605	Errata sheet
	2001/05/24	D000321	Summary of retiree benefits proposal
	2001/05/29	D000350-379	Company's final offer and cover letter
	2001/05/31	D000636	Extension of contract
	2001/06/21	D000637	Response to union proposal
	2001/06/22	D000638	Change to final offer (union security)
	2001/08/18	D000641	Changes to final offer

#	Date	Location	Description
	2001/09/25	D000670	Letter modifying insurance proposal
	2001/10/26	D000672	Working document for implementation
	2001/11/15	D000710	Closure agreement
	2001/01/25	D000711	Prenegotiation
	2001/04/03	D000712	IMMCO proposal, economic and non-economic
	2001/04/25	D000718	IMMCO proposal
	2001/04/27	D000721	IMMCO proposal
	2001/05/15	D000723	IMMCO proposal (2 documents)
	2001/05/21	D000725	IMMCO proposal
	2001/06/21	D000728	IMMCO proposal
	2001/07/17	D000730	IMMCO proposal (made orally)
	2001/10	SCHELL00646	First IMMCO buyout proposal
			<b>NLRB</b>
	2001/07/13	D000860	NLRB charge filed by IMMCO
	2001/07/24	D000867	NLRB charge filed by IMMCO
	2001/09/26	D000874	NLRB charge filed by IMMCO
	2001/10/05	SCHELL00323-325	IMMCO NLRB position statement
	2001/10/26	D000881-882	Letter from NLRB – refusal to issue complaint
	2001/11/07	D000884	IMMCO's notice of appeal
	2001/11/20	D000891	IMMCO's withdrawal of appeal
			<b>EEOC Questionnaires</b>
			Schell's submission to the EEOC and letter

#	Date	Location	Description
		D001074-1084	Bacskai EEOC questionnaires (3: charge info, forced retirement, witness).
		D001117-1128	Craigle EEOC questionnaires (3: charge info, forced retirement, witness).
		D001167-1178	Crosson EEOC questionnaires (3: charge info, forced retirement, witness).
		D001217-1228	DeLong EEOC questionnaires (3: charge info, forced retirement, witness).
		D001271-1282	Glanz EEOC questionnaires (3: charge info, forced retirement, witness).
		D001321-1332	Gonzalez EEOC questionnaires (3: charge info, forced retirement, witness).
		D001422-1433	LaBar EEOC questionnaires (3: charge info, forced retirement, witness).
		D001523-1534	Puccio EEOC questionnaires (3: charge info, forced retirement, witness).
		D001573-1584	Romagnoli EEOC questionnaires (3: charge info, forced retirement, witness).
		D001623-1634	Sagazio EEOC questionnaires (3: charge info, forced retirement, witness).
		D001675-1686	Stefano EEOC questionnaires (3: charge info, forced retirement, witness).
		D001725-1736	Storm EEOC questionnaires (3: charge info, forced retirement, witness).
		D001775-1786	Van Seters EEOC questionnaires (3: charge info, forced retirement, witness).
		D001826-1837	Weaver EEOC questionnaires (3: charge info, forced retirement, witness).
		D001875-1886	Youpa EEOC questionnaires (3: charge info, forced retirement, witness).

#	Date	Location	Description
		D001927-1938	Zagra EEOC questionnaires (3: charge info, forced retirement, witness).
			<b>Experts</b>
			Expert report from Jerome M. Staller and Brian P. Sullivan.
			Jerome M. Staller's biographical history and curriculum vitae.
			Brian P. Sullivan's biographical history and curriculum vitae.
			Expert report from Elizabeth Kinney.
			Elizabeth Kinney's résumé.



CURRICULUM VITAE

**JEROME M. STALLER, Ph.D.**

President, The Center for Forensic Economic Studies

EDUCATION

Temple University, Ph.D. in Economics, 1975.

Areas: Economic Theory, Labor-Manpower, Urban-Regional, Statistics.

Dissertation: "The Impact of Bargaining on Faculty in Two-Year Public Colleges."

Temple University, B.A. in Economics, 1967

AWARDS AND HONORS

Temple University Fellowship for study in Economics, 1968-1970.

United States Department of Labor Research Fellowship, 1967-1968.

Omicron Delta Epsilon - Economics Honor Society, 1969.

GOVERNMENT EXPERIENCE

Senior Staff Economist, U.S. Department of Labor, Office of the Assistant Secretary for Policy, Evaluation and Research, November, 1973 -1980.

Chief of Wage Analysis, Cost of Living Council, Washington, D.C., January 1973 - November 1973.

Labor Economist, Pay Board, Washington, D.C., August 1972 - January 1973.

ACADEME

Adjunct Lecturer in Law, Temple University School of Law. Damages and Statistics in Litigation.

Guest Lecturer, Villanova University School of Law. Forensic Economics.

Associate Professor, University of Maryland University College, 1975-1980.  
Courses taught: Labor Economics, Labor Relations.

Instructor, Pennsylvania State University, Media, Pennsylvania, 1968-1974.  
Courses taught: Micro and Macro Economics, Statistics.

Lecturer, St. Joseph's University, Philadelphia, PA, January 1972 - September, 1972.

Coordinator, Phi Delta Kappa - Temple University. Research Symposium on Employment Relations in Higher Education, November 1968.

CURRICULUM VITAE  
**JEROME M. STALLER, Ph.D.**

PAPERS AND PUBLICATIONS

"Using Regression Analysis," Product Liability Law & Strategy, February 2004.

"The 'Lost Chance' Theory of Recovery," Medical Malpractice Law & Strategy, January 2004.

"Discovery on Economic Loss: Beware of Placing a Value on Careers," Product Liability Law & Strategy, October 2002.

"Mandatory Periodic Payments Not a Panacea for High Costs," Medical Malpractice Law & Strategy, April 2002.

"Attorney Fees and Other Mysteries of HB 1802," The Pennsylvania Law Weekly, April 15, 2002.

"Statistical Problem Areas in Economic Damages Evidence," Medical Malpractice Law & Strategy, September 2001.

"Judge Posner: 'There's a Role for Professional Associations to Play in Screening Experts,'" BNA Inc. Expert Evidence Report, September 10, 2001.

"Effective Cross-Examination on Economic Damages in Products Liability Cases," Product Liability Law & Strategy, May 2001.

"The Application of Daubert and Kumho to Nonscientific Testimony," Medical Malpractice Law & Strategy, January 2001.

"A Basic Checklist for Economic Damages," Product Liability Law & Strategy, January 2001.

"Criticism Mounts of 'New Worklife Tables' As Estimate of Lost Time," Medical Malpractice Law & Strategy, June 2000.

"Some Vocational Testimony Exceeds Bounds," Product Liability Law & Strategy, June 2000.

"Delayed-Diagnosis Damages: A Gray Area in Need of Clarification," Medical Malpractice Law & Strategy, November 1999.

"Special Problems With Value-Of-Life Estimates Based on Wage-Risk Studies In The Miller Survey: A Reply to Dr. Gilbert," with Edward A. Friedman and Brian P. Sullivan, Journal of Forensic Economics 12(1), Winter 1999.

CURRICULUM VITAE  
**JEROME M. STALLER, Ph.D.**

PAPERS AND PUBLICATIONS

"Do Claims Make Sense?" Medical Malpractice Law & Strategy, December 1998.

"Court Differentiates Between Title VII Damage Awards," Lexis Xchange Labor & Employment Law Web page, [www.lexis.com](http://www.lexis.com), April, 1998.

"An HMO's Responsibility to Disclose Economic Incentives," Medical Malpractice Law & Strategy, December 1997.

"Special Problems With Value-Of-Life Estimates Based on Wage-Risk Studies In The Miller Survey: A Note," with Brian P. Sullivan and Edward A. Friedman, Journal of Forensic Economics 10(1), Winter 1997.

"Is the Hedonic Damages Party Almost Over?" with Scott F. Gibson, For the Defense, August 1997.

"Beware of Vocational Experts Using Flawed Worklife Tables," Product Liability Law & Strategy, May 1997.

"Court Accepts Economic Testimony on Projected Age of Retirement," The Legal Intelligencer, December 5, 1996.

"Defending on Economic Damages Claims," paper delivered to The Annual Symposium on Head Injury Claims, November 21, 1996, Hilton Head Island, South Carolina.

"Strategies to Scrutinize When Structuring Settlements," Product Liability Law and Strategy, October 1996.

"HIV and the Americans With Disabilities Act: A Cautionary Tale," with Barbara O'Connell and Brian P. Sullivan, Claims magazine, March 1996.

"Little-Known Study May Prove Fatal to 'Hedonic' Testimony," Medical Malpractice Law & Strategy, January 1996.

"Misleading Analyses Fail to Prove Reduced IQ Linked to Income," with Edward Friedman, Product Liability Law & Strategy, November 1995.

"Economic Analysis in Forensic Rehabilitation," Chapter in The Handbook of Forensic Rehabilitation, HDI Publishers, Houston 1995.

Expert reports for the National Institute for Trial Advocacy's mock-trial materials in *Polisi v. Clark* and *Parker v. Gold*, 1995.

CURRICULUM VITAE  
**JEROME M. STALLER, Ph.D.**

PAPERS AND PUBLICATIONS

"Debating Damages," Claims magazine, May 1995.

"Value of Life Estimates: Too Imprecise for Courtroom Use," with Brian P. Sullivan and Edward A. Friedman, Journal of Forensic Economics Vol. VII, No. 2 (Spring/Summer 1994).

"How a Court Assessed Recovery for Reduced Life Expectancy," Medical Malpractice Law and Strategy, April 1994.

"Current State of CPLR Articles 50-A, 50-B: Few Answers, New Questions," with Kenneth Mauro, Esq. and Brian P. Sullivan, Ph.D., New York Law Journal, January 27, 1994.

"Hedonic Damages: Junk Science Goes to Court," Chronicle of the National Association of Railroad Trial Counsel, September/October 1993.

"Court of Appeals Clarifies Right of Recovery," Maryland Trial Lawyers' Association Trial Reporter, July 1993.

"Faulty Damages Calculations Can Ruin Case," with Bruce J. Klores, Esq. Product Liability Law and Strategy, June 1993.

"Economists Can't Total Life's Value," with Edward A. Friedman, Ph.D., The National Law Journal, March 23, 1992.

"When 'Astronomical' Isn't Enough: Presenting Future Medical Damages," The Legal Intelligencer, February 11, 1992.

"What Price Life? Hedonic 'Experts' Claim to Know," with A. Michael Barker, New Jersey Law Journal, February 3, 1992.

"Comment on the Accuracy and Usefulness of Hedonic Loss Estimates," with Brian P. Sullivan, Ph.D., Journal of Forensic Economics, Vol. V, No. 2, Winter 1991.

"Periodic Payment Laws May Not Meet Their Goals," with Kenneth Mauro, Esq., Medical Malpractice Law and Strategy, December 1991.

"Annuity Testimony Can be Misleading," Medical Malpractice Law and Strategy, November 1991.

CURRICULUM VITAE  
**JEROME M. STALLER, Ph.D.**

PAPERS AND PUBLICATIONS

"Future Care Costs Can be a Significant Part of Damages," Medical Malpractice Law and Strategy, June 1991.

"Lost Earning Capacity: Not So Easy to Calculate," Product Liability Law and Strategy, June 1991.

"The New Damages Landscape: Uncharted Territory," with Kenneth Mauro, Esq. New York Negligence Reporter, March 1991.

"Building a Solid Damages Case in Malpractice Suits," Medical Malpractice Law and Strategy, January 1991.

"Collateral Confusion: Coping with Jury Verdict Offsets," (with Kenneth Mauro) New York Law Journal, December 31, 1990.

"Evaluating Evidence on Annuities," The National Law Journal, December 31, 1990.

"The Confusion Factor: Conflicts In Future Damages Formulas," with Kenneth Mauro, Esq., New York Law Journal, September 21, 1990.

"Testimony From Oz: 'Hedonic' Damages in Personal Injury," For the Defense, August 1990.

"Plaintiffs Get More Leverage in Race Discrimination Suits," with Brian P. Sullivan, Ph.D., The Pennsylvania Law Journal-Reporter, April 16, 1990.

"Lost Income of Entrepreneurs: Determining Passive Income," The Pennsylvania Law Journal-Reporter, December 11, 1989.

"Placing a Value on the Enjoyment of Life," For the Defense, June 1989

"What Are the Chances: Risks, Odds and Likelihood in Everyday Life," with Bernard Siskin, Ph.D. Crown Publishing, 1989.

"Court Clarifies Role of Fixed Costs in Damages," The Legal Intelligencer, April 26, 1989.

"Inside the Jury Room in the Jessica Savitch Case," The Legal Intelligencer, January 23, 1989.

"Weigh Fixed Costs When Evaluating Sole Proprietors," The Legal Intelligencer, December 12, 1988.

CURRICULUM VITAE  
JEROME M. STALLER, Ph.D.

PAPERS AND PUBLICATIONS

"CAT Needs to be Fixed," with Samuel J. Kursh, Ph.D., Pennsylvania Law Journal-Reporter, November 24, 1986.

"Taking a Hard Look at Soft Fringe Benefits," with Samuel J. Kursh, Ph.D., For the Defense, November 1986.

"Pain and Suffering," New Jersey Law Journal, October 30, 1986.

"Maryland Reform Measure Ignores Litigation Realities," Pennsylvania Law Journal-Reporter, September 22, 1986.

"Fringe Benefit Claims," Pennsylvania Law Journal- Reporter, March 3, 1986.

"Assessing Fringe Benefits in Personal Injury and Wrongful Death Actions," Personal Injury Deskbook Annotated, 1986.

"The Advantages of Alternative Dispute Resolution in Tort Cases," The Practical Lawyer, March 1, 1985.

"Hedonic Damages: How to Assess 'Life's Pleasures'," Pennsylvania Law Journal-Reporter, January 7, 1985.

"Offset Method Falls Short in Fixed-Rate Evaluations," Pennsylvania Law Journal-Reporter, July 18, 1984.

"Backlog Costly for Both Sides," Pennsylvania Law Journal-Reporter, May 14, 1984.

"The Basics of Structured Settlements," The Practical Lawyer, January 15, 1984.

"Structured Settlements," Settlement of Tort Actions, edited by Henry Miller. Matthew Bender and Company, 1983.

"Assessing the Value of a Defined Benefit Pension in Litigation," Pennsylvania Law Journal-Reporter, July 25, 1984

"Calculations of Damages: Supreme Court's Decision in *Jones & Laughlin Steel Corp. v. Pfeifer*." The Legal Intelligencer, July 1983; The Audio Lawyer, January 1984.

"Losing Money Litigating: The Cost of Backlog," Pennsylvania Law Journal-Reporter, May 1984.

CURRICULUM VITAE  
**JEROME M. STALLER, Ph.D.**

PAPERS AND PUBLICATIONS

"Periodic Payment and Settlement Act of 1983," The Practical Lawyer, June 1983; The Legal Intelligencer, May 1983; The Washington Law Reporter, June 1983; The Audio Lawyer, July 1983.

"Example of an Economic Assessment by an Economist," The Trial Lawyer's Guide, Summer 1983.

"The Attorney's Dilemma: Obtaining a Proper Fee from a Structured Settlement," The Practical Lawyer, 1983.

"Valuation and Distribution of Marital Property," Matthew Bender, 1984.

"Alternative Dispute Resolution and Employment Rights Cases," Paper presented to the Practising Law Institute, 1984.

"An Economist Looks at *Kaczkowski v. Bolubasz*," Paper presented to the Pennsylvania Trial Lawyers Association, Civil Program Judges, Philadelphia, 1981.

"Economics for the Defense," Paper presented to the National Association of Railroad Trial Counsel, Washington, 1981.

"The Economics of Compensation," Paper presented to the BNA Symposium on Comparable Worth, New York, 1981.

"The Two Heads of OFCCP," with Bernard R. Siskin, proceedings of the 1980 Spring meetings of the Industrial Relations Research Association.

"Impact of the Davis-Bacon Act: A Comment," Policy Analysis, Summer 1979.

"Wage Indexation and Wage Differential," Industrial Relations Research Association's Proceedings of the Thirtieth Annual Winter Meeting, 1977.

"Relative Wages and Escalation," Paper presented before the Industrial Research Association, New York, 1977.

"The Impact of Illegal Aliens on the Labor Market," in the Domestic Task Force Report on Illegal Immigration, 1976.

"The Conflict Between Equity and Stabilization," paper presented before the Atlantic Economic Association, 1975.

"Bargaining: Its Impact on Faculty in Two-Year Public Colleges," National Center for the Study of Collective Bargaining in Higher Education, 1975.

CURRICULUM VITAE  
**JEROME M. STALLER, Ph.D.**

PAPERS AND PUBLICATIONS

"Treatment of Escalators Under Wage and Price Controls," In Wage and Price Controls: The U.S. Experiment. Blain Roberts and John Kraft, editors. Praeger Publishers Inc., New York, with Loren Solnick.

"The Effect of Escalators on Wage Rates in Major Contracts Expiring in 1974," Monthly Labor Review, with Loren Solnick, July 1974.

"The Use of Escalators in the Public Sector," Paper presented before the Public Sector Labor Relations Conference Board, 1974.

"Project Independence: Labor Report," Government Printing Office, Washington, D.C., 1973.

"The Impact of the Economic Stabilization Program on the Collective Bargaining Process," Paper presented before the Washington Chapter of the Industrial Relations Research Association, 1973, with Ross Azevedo.

"Equity Considerations in the Economic Stabilization Program," Paper presented before the first Conference of the Colloquium for Social Philosophy on Equality, 1973.

"Fringe Benefits in Unionized Community Colleges," 1972, with Robert Paterson.

"The Broad and Columbia Subway Study," U.S. Department of Transportation, 1971, with colleagues.

"The State of the Market," Quarterly report to the Automotive Parts and Accessories Trade Publication, with Ross Azevedo.

"Structuring Settlements in Personal Injury Cases: The Role of the Economist," ALI-ABA Seminar on Litigating Medical Malpractice Claims, 1981, Washington, D.C.

"Estimating the Value of a Lawyer," Air and Space Section of the American Bar Association, 1983.

"Structured Settlements: An Attorney's Guide," Paper presented before the Pennsylvania Bar Association seminar Structured Settlements 1983, Pittsburgh and Philadelphia.



CURRICULUM VITAE  
**JEROME M. STALLER, Ph.D.**

PRESENTATIONS

Philadelphia Bar Association. Seminar on damages in medical malpractice actions.  
April 24, 2002. Philadelphia.

U.S. Department of Justice. Lecture on economic damages in employment matters.  
March 1, 2002. Newark, New Jersey.

American Bar Association 2001 Midwinter Meeting. Committee on Employee Rights  
and Responsibilities. "Stock Option Claims in Litigation." March 20, St. Petersburg,  
Florida.

American Bar Association 1999 Midwinter Meeting. Committee on Employee Rights  
and Responsibilities. March 25, Stuart, Florida. Faculty member.

Association of the Bar of the City of New York. "Proving Damages in Civil Lawsuits  
Using Expert Testimony." April 6, 1999, New York. Faculty member.

Maryland State Bar Association Annual Meeting, 1999. "Statistical and Economic  
Analysis in Employment Matters." June 11, Ocean City, Maryland. Panel member.

OTHER PROFESSIONAL INTERESTS

Lecturer in Law, Temple University School of Law.

Fact finder for Pennsylvania and New Jersey under public employee  
bargaining laws.

Editor, forthcoming text on damages issues litigation, to be published by the  
American Bar Association's Section of Labor and Employment Law.

Advisory Board Member, BNA Inc. Expert Evidence Report.

Consulting Editor, Law Journal Newsletters Product Liability Law and Strategy.

Consulting Editor, Law Journal Newsletters Medical Malpractice Law and Strategy.

CURRICULUM VITAE  
**JEROME M. STALLER, Ph.D.**

PROFESSIONAL ORGANIZATIONS

Panel member of the American Arbitration Association.

Panel member of the National Center for Dispute Settlement.

American Economic Association

Omicron Delta Epsilon - Economics honor society

Industrial Relations Research Association

American Law and Economics Association

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## CURRICULUM VITAE

**BRIAN P. SULLIVAN, Ph.D.**

Vice President

### EDUCATION

University of North Carolina - Chapel Hill. September 1970 - June 1974  
Ph.D. in Economics.

Areas: Microeconomic Theory, Econometrics.

Dissertation: New Estimates of the Translog Production Function  
in U.S. Manufacturing.

King's College - Wilkes-Barre, Pennsylvania

September 1966 - June 1970

B.A. in Economics.

### AWARDS AND HONORS

University of North Carolina Research Fellowship, 1970.

National Defense Education Act Fellowship, 1971.

University of North Carolina Teaching Fellowship, 1972-1973.

Ford Foundation grant for Economics Education, University of Indiana, 1973.

Omicron Delta Epsilon - Economics Honor Society, 1972.

### CURRENT POSITION

Senior Economist, the Center for Forensic Economic Studies, May 1987 to present.

Responsibilities: Preparation of analyses and testimony on such matters as lost earnings due to personal injury and death; employment discrimination (economic damages and statistical assessment of liability); commercial litigation; health economics; and public-utility rate-making.

### PREVIOUS EXPERIENCE

Executive Economist, R.W. Beck and Associates, April 1986 to May 1987.

Responsibilities: Direct and perform statistical and econometric analyses of telecommunications demand. Evaluate new business opportunities in the telecommunications industry. Prepare and present testimony on rates, costs and engineering of telephone systems.

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PREVIOUS EXPERIENCE

**Director - Account Management and Advertising**, Southern New England Telephone, November 1983 to March 1986. Responsibilities: Develop and implement marketing communications directed toward customers of the cellular mobile, Yellow Pages, telephone network, and premises equipment lines of business.

**Staff Manager - Business Development**, Southern New England Telephone, April 1983 to November 1983. Responsibilities: Analyze and assess business plans of start-up long distance companies regarding potential investment. Develop and present market analyses of new lines of business.

**Division Manager - Business Research**, Southern New England Telephone, August 1979 to April 1983. Responsibilities: Develop and present testimony before public utility commissions on the demand for and cost of telephone service and on telephone company productivity issues. Supervise and direct market research studies, attitude studies, sampling and separations studies and public communication studies.

**Senior Economist and Manager - Industry Impact Studies**, American Petroleum Institute, February 1977 to August 1979. Responsibilities: Analyze government regulations concerning bidding practices for offshore leases, and regulations defining maximum lawful prices for crude oil and refined petroleum products.

**Economist**, Federal National Mortgage Association, July 1976 to February 1977. Responsibilities: Applying statistical, mathematical and quantitative techniques to assess mortgage and housing markets.

**Economist**, Federal Reserve Bank of Dallas, June 1974 to June 1976. Responsibilities: Develop, maintain and update forecasts of private fixed business investment, investment in residential structures and inventory investment. Develop and maintain models to compute various regional indexes of industrial production and capacity utilization.

CONSULTING

**Econometric Modeling (Self-Employed)** 1979. Responsibilities: Develop a model to be used to predict the unit cost of sonobuoys by major functional type. Client: U.S. Navy, Naval Air Command.

CURRICULUM VITAE  
**BRIAN P. SULLIVAN, Ph.D.**

BOARD MEMBERSHIP

**Advisory Council, William G. McGowan School of Business at King's College,**  
Wilkes-Barre, PA, 1993.

ACADEME

**Lecturer in Law, Temple University School of Law (1989).** Taught classes  
in economic damages in litigation.

**Guest Lecturer, Temple University School of Law program in Advanced Trial  
Advocacy, 1992 - present.**

**Adjunct Professor - Northern Virginia Community College, 1978-1979.** Taught  
business statistics.

**Adjunct Professor - Virginia Polytechnic Institute, 1979.** Taught graduate level  
econometrics course.

**Instructor - North Carolina State University, 1973-1974.** Taught principles of eco-  
nomics.

**Teaching Assistant - University of North Carolina, 1972-1973.** Taught business  
and economic statistics.

PAPERS AND PUBLICATIONS

"New Estimates of the Translog Production Function in U.S. Manufacturing," unpub-  
lished Ph.D. dissertation, University of North Carolina, Chapel Hill, 1974.

"Unemployment Rate Gives Only Part of the Picture," Business Review, Federal  
Reserve Bank of Dallas, Texas, January 1975.

"Changes to Texas Index Present Different Picture," Business Review, Federal  
Reserve Bank of Dallas, Texas, September 1975.

"New Texas Index Assess Utilization," Business Review, Federal Reserve Bank of  
Dallas, Texas, September 1975.

CURRICULUM VITAE  
**BRIAN P. SULLIVAN, Ph.D.**

PAPERS AND PUBLICATIONS

"New Benefit Plan Proposed as Solution to Nation's Needs," Business Review, Federal Reserve Bank of Dallas, Texas, November 1975.

"Methodology of the Texas Industrial Production Index," Technical Paper, Federal Reserve Bank of Dallas, Texas, 1975.

"Methodology of the Texas Manufacturing Capacity Utilization Index," Technical Paper, Federal Reserve Bank of Dallas Texas, 1975

"Crowding Out Estimated From Large Econometric Model," Business Review, Federal Reserve Bank of Dallas, Texas, June 1976.

"New Louisiana Index Dominated by Mining," Business Review, Federal Reserve Bank of Dallas, Texas, July 1976.

"Estimates of a Capital Shortage?" The Seller/Service, Federal National Mortgage Association, February 1977.

"Analysis of FEA's Middle Distillate Monitoring Index," Briefing Paper, American Petroleum Institute (July 1977).

"The Joint Bidding Ban: Pro and Anti-Competitive Theories of Joint Bidding in OSC Lease Sales," (1979), with Paul Kobrin, American Petroleum Institute, Technical Paper #013; also in Journal of Economics and Business, Vol. 33 (1981).

"Interfuel Substitution - Upper Bound Estimates," with Donna Siemon, The Energy Journal, Vol. 2 (1981).

"Equal Access: Who Benefits - Who Pays?" Changing Patterns in Regulation, Markets and Technology: The Effects on Public Utility Pricing, H. Trebing (ed.) (1984).

"A Study of Bypass in Colorado: Policy Conclusions from Economic Theory and Empirical Research," with Alan Baughcum and Nancy Hughes, presented at Telecommunications Policy Research Conference, Airlie House, Virginia (1986).

"The Costs and Benefits of Divestiture - A Preliminary Assessment," Brooklyn College, Brooklyn, NY (May 1986).

"Expanding Service Markets," presented at New Business Opportunities for LECs, Telecommunications Conference Center, Arlington, VA (October 1986).

CURRICULUM VITAE  
BRIAN P. SULLIVAN, Ph.D.

PAPERS AND PUBLICATIONS

"Deregulation of Local Exchange and Its Interaction With Access Charges,"  
The Institute for Public Utilities, Michigan State University (July 1987).

"The Telco and the Large User: Are They Adversaries?" A panel discussion at The  
Eastern Telecommunications Showcase, United States Telephone Association,  
Indianapolis (February 1987). Also presented at the Western Telecommunications  
Showcase, Las Vegas, Nevada (April 1987).

"Fatherhood by the Numbers," with Samuel Kursh, The Legal Intelligencer  
(February 1988).

"Reducing Your Exposure: Defense of Toxic Tort Damages," with Jerome Staller, in  
Practical Approaches to Reduce Environmental Cleanup Costs, Practising Law  
Institute No. 317, (1988) .

"Direct Calculation More Accurate for Wrongful Death Damages," New York Law  
Journal, (February 9, 1988).

"Expediting Waste Site Cleanup Through Citizen Settlements," with Michael  
Italiano and Jerome Staller. Bureau of National Affairs Toxic Law Reporter (March  
1989).

"Prejudgment Interest: A Logical Solution," New York Law Journal (August 30,  
1989).

"Plaintiffs Get More Leverage in Race Discrimination Suits," with Jerome M.  
Staller, Pennsylvania Law Journal-Reporter, (April 16, 1990).

"The Use of Expert Witnesses in New York Personal Injury Actions," with Bruce  
Lederman, New York Negligence Practice Guide, Matthew Bender and Co. (August  
1990).

"Just the Facts: Developing Information Sources for Economic Damages,"  
New York Negligence Reporter, Vol. 2 (October 1991).

"The Periodic Payment Statutes: Suggestions on 'Corrective' Testimony," New  
York Negligence Reporter, Vol. 2, No. 11 (November 1991).

"Comment on the Accuracy and Usefulness of Hedonic Loss Estimates," Journal of  
Forensic Economics, Vol. V, No. 1 (Winter 1992).

CURRICULUM VITAE  
**BRIAN P. SULLIVAN, Ph.D.**

PAPERS AND PUBLICATIONS

"Limiting Damages in Employment Discrimination Claims," with Jerome M. Staller, For the Defense, Vol. 35, No. 12 (December 1993).

"Current State of CPLR Articles 50-A, 50-B: Few Answers, New Questions," with Jerome M. Staller and Kenneth Mauro, New York Law Journal, January 27, 1994.

"Value of Life Estimates: Too Imprecise for Courtroom Use," with Jerome M. Staller and Edward A. Friedman, Journal of Forensic Economics, Vol. VII, No. 2 (Spring/Summer 1994).

"HIV and the Americans With Disabilities Act: A Cautionary Tale," with Barbara O'Connell and Jerome M. Staller, Claims Magazine, March 1996.

"Special Problems With Value-Of-Life Estimates Based on Wage-Risk Studies In The Miller Survey: A Note," with Jerome M. Staller and Edward A. Friedman, Journal of Forensic Economics 10(1), Winter 1997.

"The Duty to Mitigate: Sources of Evidence," BNA's Employment Discrimination Report, July 22, 1998.

"A Checklist of Sources for Calculating Back Pay," BNA's Employment Discrimination Report, October 21, 1998.

"Special Problems With Value-Of-Life Estimates Based on Wage-Risk Studies In The Miller Survey: A Reply to Dr. Gilbert," with Jerome M. Staller and Edward A. Friedman, Journal of Forensic Economics 12(1), Winter 1999.



## **Resume**

Elizabeth Kinney  
P.O. Box 1792  
Evanston, IL 60204-1792

Telephone and fax:  
847-866-9832

### **Academic Record**

**Law School - University of Michigan Law School 1966-68, J.D., May 1968**

Staff Editor, University of Michigan Journal of Law Reform, 1967-1968

**- George Washington University Law School 1965-66**

**College - Wellesley College 1961-1965, A.B. June 1965 in Political Science**

### **Employment Experience:**

September 2003 – present Mediator, Labor and Employment Disputes

September – December 2003 Adjunct Professor of Law, University of Michigan Law School

**March 1989-September 2003 Regional Director, Region 13, National Labor Relations Board, Chicago, Illinois**

Head of the NLRB's Chicago Regional Office. Responsible for the processing of unfair labor practice and representation cases arising in Cook, DuPage, Kane, Lake and Will Counties in Illinois and Lake County, Indiana. The Region averages approximately 1250 unfair labor practice cases and 310 representation cases per year. It has a staff of approximately 60 employees. The Regional Director makes prosecutorial decisions on unfair labor practice cases and written decisions in representation cases, which involve issues under the NLRA.

Member of the Planning Committee and Instructor at the NLRB's New Employee Training Program, 2000, 2001 and 2002

**October 1983-March 1989 Assistant General Counsel, Division of Operations Management, National Labor Relations Board, Washington, D.C.**

As Assistant General Counsel, under the supervision of the Associate General Counsel and the Deputy Associate General Counsel, served as the General Counsel's

representative as to the management of, and liaison with, seven regional offices  
(Denver, New Orleans, Seattle, Houston, Fort Worth, Kansas City and Minneapolis)

**October 1979-September 1983 Deputy Assistant General Counsel, Division of Operations  
Management, National Labor Relations Board, Washington, D.C.**

As Deputy Assistant General Counsel, worked closely with, and occasionally substituted  
for, an Assistant General Counsel who had basic responsibility for the management of,  
and liaison with, the five regional offices of the Board located generally on the West  
Coast.

**February 1979-October 1979 Supervisory Attorney, Division of Advice, National Labor  
Relations Board, Washington, D.C.**

Supervised attorneys researching and drafting opinions on complex issues under the  
National Labor Relations Act.

**September 1978-January 1979 Attorney, Division of Advice, National Labor Relations  
Board, Washington, D.C.**

Researched and drafted opinions on complex issues under the National Labor Relations  
Act.

**January 1997-May 1997 Adjunct Professor of Law, Northwestern University School of  
Law**

Taught basic labor law course (three hours)

**August 1973 - August 1978 Attorney, National Labor Relations Board, Region 29  
Brooklyn, New York**

Investigated and tried unfair labor practice cases under the NLRA, processed and  
conducted representation cases.

**May 1972-August 1972 Acting Deputy Director, National Senior Citizens  
Law Center, Los Angeles, California**

**September 1971-April 1972 Staff Attorney (part-time), Housing and  
Elderly Project, Western Center on Law and Poverty, Santa  
Monica California**

1969-1971 Reginald Heber Smith Community Lawyer Fellow

1968-1969 Associate, Baker & Hostetler (formerly Baker, Hostetler & Patterson),  
Cleveland, Ohio

**Professional Activities:**

Industrial Relations Research Association, Chicago Chapter,  
President (1997-1998); Vice-President-Programs (1996-1997);  
Board Member (1994-1999)

Chair, Regional Directors' Committee, National Labor Relations Board (1997-1999);  
Committee member various years

Member, American Bar Association, Labor and Employment Law Section

Member, State Bar of Michigan, Labor and Employment Law Section

Member, Association for Conflict Resolution, National and Chicago Chapter

### EXHIBIT 3

1. Do you know any parties or any members of their families, which include:
2. Do you know any of the attorneys or any members of their families? The names of the attorneys are:
3. Do you know any of the partners or law associates of any of the attorneys?
4. Have you heard or read or know anything about the subject matter of this trial?
5. Have you or has any member of your household been a party, either plaintiff or defendant, in a civil case that has been filed in the past ten years?
6. Have you ever been a witness in a case?
7. Has there been any experience in your personal life or the personal life of any member of your family that you believe would influence your judgment as a fair and impartial juror?
8. If your service on this case would require your presence here for two to three weeks, do you have any plans that would be interfered with by service on this jury?
9. Have you or has any member of your family or any close friend ever done business with Bell & Howell?
10. Are you related to or do you know any officer, director, or employee of Bell & Howell?
11. Do you now or have you in the past, individually or as an employee of a company, ever provided goods or services to Bell & Howell?
12. Have you or has any member of your family ever done business as a corporation or company?
13. Have you or has any member of your family or close friend had any special training, knowledge, or experience in personnel matters, labor-management relations, or negotiating collective bargaining agreements between employers and unions?
14. Have you or has any member of your family or any close friend ever been discharged by an employer?
15. If your or a member of your family or a close friend was discharged by an employer, did you believe at the time or do you believe now that the person discharged was treated unfairly?

16. Do you know what feelings that caused?
17. Why do you think that was?
18. How do you think those feelings might affect your consideration of this case?
19. Have you or has any member of your family or any close friend ever retired from a job for reasons that you believed at the time or that you believe now were unfair?
20. Do you know what feelings that caused?
21. Why do you think that was?
22. How do you think those feelings might affect your consideration of this case?
23. Have you or any family member or close friend ever complained to any employer about unfair treatment?
24. Have you or has any member of your family or any close friend ever filed a charge against an employer with any agency of the state or federal government, including the Equal Employment Opportunity Commission, the Pennsylvania Human Rights Commission, or the National Labor Relations Board?
25. Are you or is any member of your family or any close friend currently unemployed and looking for work?
26. Have you changed jobs in the last two years?
27. Have you had more than three job changes in the last ten years?
28. Are you or is any member of your family or any close friend a member of a union?
29. Have you or has any member of your family or any close friend ever been a member of a union in the past?
30. Have you or has any member of your family or any close friend ever had any involvement in negotiating a collective bargaining agreement between a union and an employer?
31. Have you or has any member of your family or any close friend ever voted for or against a strike?
32. Have you or has any member of your family or any close friend ever taken part in a strike?

33. Have you or has any member of your family or any close friend ever been permanently replaced by an employer following a strike?

34. Have you or has any member of your family or any close friend ever been locked out by any employer?

35. Would the fact this case involves individuals against a company sway or influence your judgment to one side or another, or predispose you in favor of the individuals or the corporation?

36. If, after considering all the evidence in this case and the Court's instructions, you find that the plaintiffs have failed to prove their claims against the defendants, do you know of any reason why you could not join in a verdict for the defendants?

37. Do you know of any reason why you cannot be a fair and impartial juror in this case?

38. Is there any reason that you would feel more comfortable serving in another case?

VERDICT FORM

1. Did Plaintiffs prove, by a preponderance of the evidence, that Defendants did not want to reach agreement on a new union contract?

☐ Yes

☐ No

If your answer to interrogatory number 1 is "yes," answer interrogatory number 2. If your answer is "no," you are finished and should go to the end and sign.

2. Was the Company's offer of work after June 5 which plaintiffs' refused (same terms as under the old contract except no required dues, no arbitration, no restriction on strikes or lockouts) so unpleasant or difficult that a reasonable person would have felt forced to refuse to work?

☐ Yes

☐ No

If your answer to interrogatory number 2 is "yes," answer interrogatory number 3. If your answer is "no," you are finished and should go to the end and sign.

3. Did Plaintiffs prove, by a preponderance of the evidence, that Defendants acted as set forth in interrogatory numbers 1 and 2 above with the intention of discriminating against Plaintiffs because of Plaintiffs' age?

☐ Yes

☐ No

If your answer to interrogatory number 3 is "yes," answer interrogatory number 4. If your answer is "no," you are finished and should go to the end and sign.

4. If Plaintiffs proved age discrimination, what, if any, compensatory damages were caused by the discrimination?

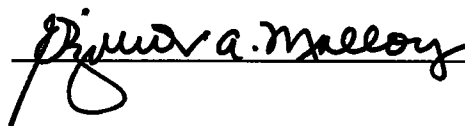
\$\_\_\_\_\_

\_\_\_\_\_  
Foreperson



**CERTIFICATE OF SERVICE**

I hereby certify that I served a copy of the foregoing on Donald P. Russo, 117 East Broad Street, P.O. Box 1890, Bethlehem, PA 18016-1890; Thomas P. Fischer, Broscious & Fischer, 111 West Washington Avenue, P.O. Box 230, Washington, NJ 07882; and Jordan B. Yeager, 8 West Oakland, Doylestown, PA 18901 attorneys for Plaintiffs, by regular U.S. mail, postage paid, this 3<sup>rd</sup> day of January, 2005.

  
\_\_\_\_\_

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